

Gerard P. Fox, Esq.  
gfox@gerardfoxlaw.com

March 30, 2021

**VIA ECF**

Honorable Mary Kay Vyskocil  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, New York 10007

**Re: *Goureau, et al. v. Marcus Lemonis, et al.*, Case No. 1:20-cv-04691-MKV**

Honorable Judge Vyskocil,

We represent Plaintiffs in the above captioned matter. As this Court is aware, there is another proceeding between the parties in the Court of Chancery of the State of Delaware, Case No. 2020-0486-MTZ (the “Delaware Action”). We write to inform this Court of the Court of Chancery’s March 30, 2021 Order on Defendants’ Motion to Dismiss (the “Order”), filed concurrently herewith as Exhibit 1.

In the Order, the Court of Chancery stayed its proceedings pending the outcome of this instant case. The Court determined that the issues in the Delaware Action overlapped with the issues raised herein and that this Court is better positioned to resolve the dispute between the parties to the extent possible.

As a result of the Order, Plaintiffs respectfully request leave to file an amended complaint addressing the issues originally raised in the Delaware Action to the extent possible.

Thank you for your time and attention to this matter.

Respectfully Submitted,

/s/ Gerard P. Fox

Gerard P. Fox (*admitted pro hac vice*)  
GERARD FOX LAW P.C.

cc: Owen R. Wolfe, Seyfarth Shaw LLP (via ECF)  
Michael D. Wexler, Seyfarth Shaw LLP (via ECF)  
Jesse M. Coleman, Seyfarth Shaw LLP (via ECF)



a

Kevin Green, Seyfarth Shaw LLP (via ECF)  
Jonathan L. Segal, Davis Wright Tremaine LLP (via ECF)  
Maja Lukic, Gerard Fox Law P.C. (via ECF)  
Gerard P. Fox, Gerard Fox Law P.C. (via ECF)